

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/10/2019

-----X  
ESTEBAN PAUTA,

Plaintiff,

-against-

AJC JEWELRY CONTRACTING CORP.,  
et al.,

Defendants.  
-----X

18-CV-6001 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

In this Fair Labor Standards Act case, the parties filed a proposed settlement agreement for court approval on February 15, 2019. (Doc. 28.) Having reviewed the proposed settlement agreement; the letter filed in support of the agreement, which discusses, among other things, the parties' January 3, 2019 settlement conference before Magistrate Judge Kevin N. Fox; and the billing records submitted by Plaintiff's counsel, I find that the agreement is fair and reasonable under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), and its progeny.

The total settlement amount is \$26,400, of which Plaintiff will receive \$17,223.34, and his counsel will receive \$9,176.66 to cover fees and costs. (Doc. 28.) The settlement amount is approximately 46 percent of the total recovery that would be available to Plaintiff at trial, if he succeeded on all of his claims. (*Id.*) This percentage recovery is well within the potential recoveries that other courts have found to be reasonable. *See, e.g., Larrea v. FPC Coffees Realty Co.*, No. 15-CIV-1515 (RA), 2017 WL 1857246, at \*2 (S.D.N.Y. May 5, 2017) (finding that plaintiff's recovery of 43 percent of the anticipated maximum recovery was fair and reasonable). Plaintiff's attorney will receive one third of the total settlement amount in attorney's fees. (Doc.

30.) Courts in this district routinely find awards of one-third of the total recovery as a fee to be reasonable. *See Febus v. Guardian First Funding Grp., LLC*, 870 F. Supp. 2d 337, 340 (S.D.N.Y. 2012) (“[A] fee that is one-third of the fund is typical” in FLSA cases). The settlement is therefore APPROVED, and this action is DISMISSED with prejudice.

SO ORDERED.

Dated: April 10, 2019  
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive, flowing style with a large initial "V".

Vernon S. Broderick  
United States District Judge